



TEXAS JUVENILE JUSTICE DEPARTMENT

Response to the Independent Ombudsman Second Quarter Report, FY 2019 April 23, 2019

The Texas Juvenile Justice Department (TJJD) has received the FY 2019 Second Quarter Report from the Office of the Independent Ombudsman (OIO), and appreciates this opportunity to respond.

In its report, the OIO highlights the incidents of illegal contraband and marijuana usage within the McLennan County State Juvenile Correctional Facility (Mart). TJJD takes the issue of drugs and contraband inside the secure and residential facilities very seriously. Prior to these incidents, the agency identified procedural gaps in the entry search requirements for the secure facilities and the proper screening of youth mail. In FY 2018, the agency began shifting entry search procedures to the Office of Inspector General (OIG), and recently TJJD amended the Texas Administrative Code provision regarding searching youth mail to increase facility security and safety.

The OIG has made significant progress in hiring additional security and peace officers; OIG expects to assume complete gatehouse operations at Mart by the end of May 2019. So far, the OIG has been able to assume the majority of the gatehouse operations and entry search procedures at the other four secure facilities. Obstacles remain in the OIG's hiring, including a pay disparity between the OIG and similarly situated law enforcement offices. TJJD has requested funds during this legislative session to alleviate this disparity. Additionally, TJJD has already been able to increase the pay for the OIG security officers to align with the facility JCO pay scale.

Following the incidents at Mart, the Agency increased searches of youth rooms and temporarily moved an additional OIG K-9 unit to Mart to help with campus searches. The agency also went beyond the typical number of random drug screening. All youth at Mart long term were screened for drugs and the agency randomly selected 100 staff for drug tests; none of the staff tested positive for illicit drugs. Four youth committed to TJJD were arrested on adult charges, and two youth were arrested on juvenile charges, for possessing contraband in a correctional facility. Additional related criminal investigations remain ongoing.

The OIO also highlights its concerns with the staffing at the Mart and Gainesville facilities. The staffing concerns at the secure facilities remain a top priority for the agency. TJJD has changed the way it determines the staffing needs, and now does so based on facility populations. In the past, the agency relied on budgeted staffing numbers to determine the needs at each facility. Using the budgeted staffing numbers does not provide an accurate picture of the staffing needs because it is not tied to the reason for needing more or fewer staff—the number of youth. By

monitoring the real populations at each facility, TJJD can determine the needs based on the necessary staff to maintain the required supervision ratio.

TJJD has also found that certain facility staffing assignments likely contribute to the longer shifts for some JCOs. Moving forward, TJJD will continue to establish better-designed, more standard, staffing models that appropriately consolidate dorms and optimize supervision ratios. To address issues specific to Mart, TJJD risk management and training staff provided specific training to non-JCO staff on operating the central control pickets within the facility's dorms. This allows non-JCO staff to assume certain static staffing positions and frees up the JCOs to move back into direct care supervision of youth.

The agency focused on the staffing levels within its LAR for the 86th Legislative Session. This includes \$2.4 million over the next biennium to help the agency hire the necessary juvenile correctional officers and achieve Prison Rape Elimination Act (PREA) compliance. This request, exceptional item 2a, and a supplemental request for pay parity with TDCJ of \$2.8 million were fully funded in HB 1; SB 1 funded \$5.3 million as a rider.

The population holds at the Mart and Gainesville facilities are still in place and are showing positive results. The population at each facility continued to decrease from the first quarter FY 2019—Mart currently has 126 youth and Gainesville currently has 143 youth. TJJD is encouraged the OIO's report highlights the overall improvement of conditions at Gainesville since TJJD replaced the five most senior officials during the first quarter 2019.

Of course, the agency's focus on active case management will continue to alleviate some of the staffing concerns. Currently, agency wide population data shows 809 youth currently in the five state secure facilities. Improving supervision ratios is accomplished by decreasing population when appropriate and increasing staffing. Reducing the population by an additional 100 youth, with no additional staff, would lead to consistently optimal staffing ratios. Alternatively, the ratios can be accomplished by a 5% increase in staffing with 50 fewer youth in the facilities. TJJD will never release youth solely to meet the optimal staffing ratios, but it is important to note the ratios may be accomplished through a combination of efforts, and that TJJD is pursuing all appropriate means to meet the optimal staffing ratios. A reduction in commitments has also contributed to the lower population. In FY 2018, commitments dropped 14%, and so far in FY 2019 we have seen an additional 20% decrease.

Even with the continued staffing challenges, TJJD is pleased to see the decrease in uses of restraints, youth-on-youth assaults, and youth-on-staff assaults at Mart and Gainesville. This continues to highlight the advances the agency has made in security and programming. While hiring the best staff and maintaining consistently optimal staffing ratios will no doubt further all efforts, the reform aspects of the Texas Model will continue to show these improvements.

TJJD appreciates the opportunity to respond to this OIO Report and the agency looks forward to sharing updates on efforts that continually move the agency forward.